

or selling at retail certain specified medicinal preparations containing small amounts of certain named drugs, etc.; and declaring an emergency."

Senator Moffett offered the following amendment to the bill:

Amend S. B. No. 70 by inserting the word "not" between the words "containing" and "more" in line 14, page 1 of printed bill.

The amendment was adopted.

(President Pro Tempore Cotten in the Chair.)

Question.—Shall S. B. No. 70 be passed to engrossment?

Advance Printing of Senate Joint Resolution 6

On motion of Senator Moffett and by unanimous consent, it was ordered that S. J. R. No. 6 be printed in advance of its consideration in committee.

Adjournment

Senator Hill moved that the Senate recess until 10:00 o'clock a. m. tomorrow.

Senator Moore moved that the Senate adjourn until 10:00 o'clock a. m. tomorrow.

The motion to adjourn prevailed; and the Senate, accordingly, at 12:10 o'clock p. m., adjourned until 10:00 a. m. tomorrow.

TWENTY-FIRST DAY

(Tuesday, February 18, 1941)

The Senate met at 10:00 o'clock a. m., pursuant to adjournment, and was called to order by President Stevenson.

The roll was called, and the following Senators were present:

Aikin	Martin
Beck	Mauritz
Brownlee	Metcalfe
Chadick	Moffett
Cotten	Moore
Fain	Ramsey
Formby	Shivers
Graves	Smith
Hazlewood	Stone
Hill	Sulak
Isbell	Van Zandt
Kelley	Vick
Lanning	Weinert
Lemens	Winfield
Lovelady	York

Absent—Excused

Spears

A quorum was announced present.

Rev. S. B. Culpepper, Chaplain, offered prayer.

On motion of Senator York and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

Leave of Absence Granted

Senator Spears was granted leave of absence for today on account of important business, on motion of Senator Graves.

Reports of Standing Committees

Senator Stone submitted the following report:

Austin, Texas,
February 17, 1941.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Penitentiaries, to whom was referred

S. C. R. No. 8, Being a resolution providing that the Texas Prison Board be authorized, acting by and through its general manager, to pay the manager of the Central State Prison Farm and sum of money whereby said manager of said Central and Harlem Farms will receive the sum of Three Hundred (\$300.00) Dollars per month as of date beginning October 1, 1940, and ending September 1, 1941, and the Comptroller of Public Accounts and the State Treasurer are hereby authorized to pay said manager of the Central and Harlem Farms the sums above stated.

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be printed.

STONE, Chairman.

Senator Ramsey submitted the following report:

Austin, Texas,
February 17, 1941.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Counties and County Boundaries, to whom was referred

S. B. No. 154, A bill to be entitled "An Act amending Section 13, Chap-

ter 465, General and Special Laws, Forty-fourth Legislature, Second Called Session, by adding thereto subsection (d), to allow the commissioners' courts in all counties of more than one hundred and two thousand and one (102,001) and less than one hundred ten thousand (110,000) population according to the last preceding Federal Census, to fix the salary of the county treasurer at any sum not less than Fifty (\$50.00) Dollars per month; repealing all laws or parts of laws in conflict herewith; and declaring an emergency."

Have had the same under consideration and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

RAMSEY, Chairman.

Senate Bills on First Reading

The following bills were introduced, read severally first time and referred by the President to the committees indicated:

By Senator Winfield:

S. B. No. 156, A bill to be entitled "An Act accepting the provisions of Public No. 413, Acts of the Seventy-sixth Congress, and declaring the lands acquired by the United States Government upon the United Mexican States by the convention signed February 1, 1933, to be a geographical part of the State of Texas under the civil and criminal jurisdiction of such State; making such lands for all purposes a part of the particular border county of this State to which they are adjacent; and declaring an emergency."

To Committee on Public Lands and Land Office.

By Senator Mauritz:

S. B. No. 157, A bill to be entitled "An Act authorizing the sale of all United States Treasury Bonds held for the account of the Permanent School Fund at September 1, 1940; and declaring an emergency."

To Committee on Education.

By Senator Stone:

S. B. No. 158, A bill to be entitled "An Act providing that the State Highway Commission of Texas shall have power to insure the ferry boats operated between Galveston Island and Port Bolivar as a part of the State-

maintained Highway System of Texas by procuring hull and hull disbursements insurance on the boats and protection and indemnity and excess protection and indemnity insurance on the vehicles and passengers being transported; and declaring an emergency."

To Committee on Internal Improvements.

By Senators Chadick and Formby:

S. B. No. 159, A bill to be entitled "An Act making it unlawful for any person, firm or corporation to operate a dance hall without a license; providing any person, firm or corporation who violates provision of Section 1 of the Act, or operates a dance hall after the license therefor is suspended, cancelled or revoked shall be guilty of a misdemeanor; and fixing the penalty therefor; providing that each day a dance hall is operated without a license or while the license is suspended, cancelled or revoked will create a separate violation; defining a dance hall; providing exceptions thereto; providing living quarters in connection with the dance hall shall not be deemed a private residence within the terms of this Act; providing county judge of each county in this State shall order the issuance of license for dance hall upon the application of any person, firm or corporation; that the certificate of license will show on its face the location of the dance hall and shall be displayed in public view in the dance hall for which it is issued; providing the county clerk of county where the dance hall is located shall issue certificate of license to persons, firms, or corporations entitled thereto and collecting a fee therefor which shall be deposited in the General Fund of the county issuing the license; providing that the license shall permit the operation of the dance hall for 90 days from the date it is granted; and that same may be renewed by the commissioners' court; providing that no person, firm or corporation licensed to operate or maintain a dance hall shall do or permit: any acts at or upon the place or premises licensed that would constitute place or premises a public nuisance; persons under 18 years of age to be employed or loiter about licensed premises for purpose of dancing; a female person or persons known to be prostitutes to loiter about the place

or premises; violation of the liquor laws of the State at or upon the place or premises; any acts at or upon the premises that an injunction under the Statutes or in equity would issue to abate; the place or premises to operate and permit dancing after 1:00 A. M.; provided that upon the sworn complaint of certain officers made and filed with the clerk of the county court that any person, firm or corporation to which a license to operate or maintain a dance hall permitting violations of Section 7 of this Act, a county judge of the county where the dance hall complained of is located shall suspend such license; providing for notice of suspension and service as in civil cases, or by leaving copy of notice with person over 14 years of age at licensed place or premises; providing that suspension of license that hearing shall be set not less than 5 days nor more than 30 days before the commissioners' court of the county where the licensed premises are located; providing that the hearing may be postponed for good cause shown as in all civil cases; providing the commissioners' court of any county may suspend, cancel, revoke or refuse to renew the license of any person, firm or corporation found guilty of violating the provisions of Section 7 of this Act; that said judgment shall deem to act in rem against place or premises for a period of one year; providing for an appeal from the judgment of the commissioners' court; providing for a trial de novo in the district court; providing procedure for appeal; providing the judgment of the commissioners' court shall remain in full force and effect until the cause is disposed of in the higher courts; provided that any person, firm or corporation found guilty of violation of certain Sections whose license has either been suspended, cancelled or revoked, may continue to operate by paying certain fees and by posting with the clerk of the county court certain bond; providing the condition of such bonds; providing for the recovery of the use and benefit of the State upon violation of the conditions of bond; providing the district court may enjoin the operation of dance hall; providing on appeal from the commissioners' court, the district court shall take jurisdiction and try the cause as if originally filed in the district court; providing the district

court judgment may be held in abeyance in the same manner as the commissioners courts' judgment might; provided that the provisions of this Act shall not apply to dance halls within the incorporated limits of any city or town of this State; providing that incorporated cities and towns may regulate dance halls; providing the provisions of this Act shall be cumulative with laws heretofore existing; and creating an emergency."

To Committee on Criminal Jurisprudence.

By Senators Cotten and Isbell:

S. B. No. 160, A bill to be entitled "An Act amending Section 3, Article 1042-A Penal Code of the Revised Criminal Statutes of Texas, Acts 1935, Forty-fourth Legislature, Chapter 237, page 554, providing that wheat flour, or other cereal flour, corn meal, blended flour, packed or re-packed, shall have the net weight, name of the manufacturer, or name of the mill that shall blend or repack (defining the meaning of manufacturer) and the name and place where milled, or blended, or packed, or re-packed, printed in letters and figures on each sack of wheat flour, corn meal, or blended or that which is packed or re-packed; and declaring an emergency."

To Committee on Public Health.

By Senators Van Zandt and Cotten:

S. B. No. 161, A bill to be entitled "An Act amending Article 2655, R. C. S., providing for the election of State Superintendent of Public Instruction, prescribing the qualification and length of term, and fixing the salary to be paid; and declaring an emergency."

To Committee on Education.

By Senator Van Zandt:

S. B. No. 162, A bill to be entitled "An Act, to regulate the sale and labeling of agricultural and vegetable seeds, in the State of Texas and defining the manner of labeling of same by seed dealers who may expose and/or offer such seed for sale, providing for the testing of such seeds for germination and other purposes; defining person, agricultural seeds, vegetable seeds, hybrid seed corn, weed seeds, noxious-weed seeds and secondary noxious-weed seeds and advertisement, setting up labeling requirements for seeds, the sale of which

is regulated by this Act and defining the physical testing methods of testing such seeds; setting up certain prohibitions in the sale, or offering for sale of seeds, the sale of which are regulated by this Act; providing farmer exemption and defining certain other exemptions, prescribing the duties of the Commissioner of Agriculture, and authorizing the commissioner to promulgate rules and regulations in conformity with this Act; providing for the inspection and sampling of seed transported, sold or offered for sale within the State; providing for the holding of public hearings; providing for the right of ingress and egress by the commissioner, his agents and/or employees, giving the commissioner the authority to issue and enforce stop-sale orders; to make provisions and maintain seed testing facilities; to fix and collect charges for tests and for such labels as may be sold to dealers and others, to cooperate with the United States Department of Agriculture; providing for an inspection tax, and the affixing of tags or labels to seed containers; regulating the sale of seeds by the drivers of trucks and other vehicles; providing for seizure of seeds when not properly labeled or tagged, or sold or offered for sale in violation of this Act, defining violators and providing penalties, providing for the use and disposition of funds; providing for the repeal of certain laws, providing a safety clause; and declaring an emergency."

To Committee on Agriculture.

Senate Concurrent Resolution 18

Senator Moore offered the following resolution:

Whereas, The San Jacinto Museum of History Association, an organization of patriotic Texans, under contract with the Board of Control, entered into pursuant to Concurrent Resolution No. 21 of the Forty-sixth Legislature, has had the care, custody and control of the San Jacinto Memorial Monument and Tower on the San Jacinto Battlefield since the Memorial Tower was opened generally to the public on April 21, 1939, has maintained and operated the same and the elevator therein and the Museum in the base thereof with funds raised by public subscription, a small charge for the use of the elevator and the sale of souvenirs in and about said

Memorial Tower, all without cost or expense to the State of Texas; and

Whereas, The historical museum maintained in the museum rooms in the base of the Memorial Tower is of great educational value and has attracted the most favorable state, national, and international approval and interest, giving life and vitality to the building and attracting persons who would not otherwise visit the Memorial Tower and grounds, thereby increasing the revenue from the operation of the elevator and the sale of souvenirs; and

Whereas, During the short period of its operation the Museum has accumulated approximately 50,000 accession items of historical value, some exceedingly rare and of great monetary value, acquired by individuals at great expense and donated to the Museum, and the Museum, on account of the permanency of the building and the historical event it commemorates, from time to time is being made the recipient of valuable historical records by old families of Texas who have selected the Museum as the repository of such records in order that they may be preserved for posterity; and

Whereas, Such historical materials should be continuously sought after, received, catalogued, filed and properly arranged and preserved for the purposes of historical research and study, and at the same time exhibited and displayed to the public and made of public use and benefit in the portrayal and revisualization of our History, all of which requires museum cases and facilities adapted to the architecture of the building and the purposes for which it is used; and

Whereas, The Trustees of said Museum of History Association, by public subscription, raised some \$38,560.01, approximately \$25,000.00 of which has been expended for museum cases, furniture and fixtures for the museum and the greater part of the balance thereof for the operation of the museum, and the museum is now greatly in need of additional museum cases, fixtures and facilities, as well as additional depository space and display rooms, and such space and rooms for the growth and development of the museum may be had by the use and improvement of the unused space and unfinished rooms in the basement and in the shaft of the tower of the building; and

Whereas, Since the operation and maintenance of the San Jacinto Memorial Tower and the museum therein are so correlated and of such importance to the State that they should be considered as one project and all revenues derived from the operation of the elevator in the tower and the sale of souvenirs in and about the building should be used for the maintenance of the building and the operation thereof and the museum therein and in the expansion, improvement and development thereof; now, therefore, be it

Resolved by the Senate and the House of Representatives concurring, That the State Board of Control be authorized to enter into a contract with the San Jacinto Museum of History Association, whereby the care, custody and control of the San Jacinto Memorial Tower will be given to and continue in the San Jacinto Museum of History Association until otherwise provided by the Legislature, to be maintained in good order by said association without charge to the State of Texas, and requiring the association to make no charge to the public for entering said building or museum; and, be it further

Resolved, That said contract shall provide that the San Jacinto Museum of History Association, subject to the approval of the Board of Control, shall have authority to sell souvenirs and operate a concession in and about said building and to make a reasonable charge, approved by the Board of Control, for the use of the elevator to the observation floor of the Memorial Tower; and that the monies heretofore and hereafter so collected shall be used exclusively by the San Jacinto Museum of History Association, under and subject to the approval of the Board of Control, for the maintenance, up-keep, repair and improvement of the San Jacinto Memorial Building and Tower and for the operation thereof and the elevator therein, and for the maintenance, up-keep, operation, improvement and expansion of the historical museum therein and the acquisition, care, maintenance, preservation and exhibition of historical materials, and the procurement of the necessary equipment, museum cases, cabinets, files and other facilities useful and necessary in the conduct, maintenance and operation of a historical museum of the first class, and for the payment of salaries

of the director, archivist, receptionist, engineers, elevator operators, janitors and watchman, and other services of employees necessary for the conduct, maintenance and operation of the said San Jacinto Memorial Monument and Museum; and such funds may be likewise used, when approved by the Board of Control, in the furtherance in part of any project for the improvement of the San Jacinto State Park that is being made under the authority of the San Jacinto State Park Commission, under the sole direction and control of the State Park Commission or in conjunction with any other agency of the State or Federal Government; and, be it further

Resolved, That said contract shall provide that the San Jacinto Museum of History Association shall submit to the State Board of Control, for its examination and approval or disapproval, a detailed monthly report of all collections and expenditures made of such funds and shall have its books of account audited annually by the State Auditor, and in addition such books shall further be audited annually by a competent and disinterested certified public accountant as the Board of Control shall so direct and the result of such examination and audit submitted to the Board of Control.

The resolution was read and was referred to the Committee on State Affairs.

Senate Concurrent Resolution 19

Senator Beck offered the following resolution:

Whereas, The City of Daingerfield is now completing a street improvement project and is financially unable to purchase all the equipment necessary for the completion of this project; and

Whereas, The Highway Department has certain equipment known as rollers and designated for the purpose of topping asphalt highways and streets; said equipment is not in continuous use, and said department is willing to loan this equipment to the City of Daingerfield to be used by it in topping the asphalt streets now under construction; now, therefore, be it

Resolved by the Senate of Texas, and the House of Representatives concurring, That the State Highway Department be, and same is hereby auth-

orized and requested to lend this equipment to the City of Daingerfield for this purpose.

The resolution was read, and on motion of Senator Beck and by unanimous consent, it was considered immediately.

The resolution was adopted.

Senate Resolution 40

Senator Metcalfe offered the following resolution:

Be It Resolved by the Senate of Texas, That the rules of the Senate as amended February 10, 1941, be amended as follows:

Rule 62 (c) (5) shall be amended to read: "To suspend, rescind or amend any rule of the Senate."

The resolution was read, and on motion of Senator Metcalfe and by unanimous consent, the resolution was considered and adopted at this time.

Senate Concurrent Resolution 20

Senator Moffett offered the following resolution:

S. C. R. No. 20, Urging the United States Government to establish powder and national defense munitions plants in Texas.

Whereas, There is a strong probability that under the current and future military defense programs of the United States Government that a considerable number of national defense munitions and powder plants will be established in various parts of the United States; and

Whereas, It is a rather self-evident objective of military strategy that at least a portion of said plants be located in isolated inland areas; and

Whereas, Powder plants in particular would very likely be located not only in sparsely populated areas, but also in areas easily camouflaged and protected from attack by air; and

Whereas, Said powder plants would very likely be built with the objective of permanent operation over a long period of years; and

Whereas, Said plants would require immense quantities of water, and cellulose (which latter probably would be obtained from cotton linters), as well as large quantities of lime, sulphur, etc., and very likely would require considerable quantities of constant power; and

Whereas, Texas has a number of inland locations, which in all probability could meet the above requirements as to isolation, available water supply, and other requirements as to raw materials, including limestone, cellulose, (derived from cotton); now, therefore, be it

Resolved that the Senate of Texas, the House of Representatives concurring, Does hereby urge the United States War Department and the Office of Production Management to most seriously consider available sites in Texas for said national defense munitions plants, and more particularly powder plants, and that the above named authorities be most respectfully urged to make a careful survey of the available sites in Texas at the very earliest opportunity; and, be it further

Resolved, That a copy of this resolution be sent to the members of the United States Congress from Texas, to the Secretary of War, and to the Office of Production Management.

MOFFETT,
LANNING,
HILL.

The resolution was read, and on motion of Senator Moffett and by unanimous consent, it was considered immediately.

The resolution was adopted.

Record of Vote

Senator Winfield asked to be recorded as voting "nay" on the adoption of the resolution.

Joint Session

(To Hear Denton A Cappella Choir)

At 10:25 o'clock a. m., the President requested the Senate to repair to the Hall of the House of Representatives for a joint session to hear the Denton A Cappella Choir.

Accordingly, the Senate assembled in the Hall of the House at 10:30 o'clock a. m. in joint session with the House of Representatives and was called to order by the President.

The roll of the Senate was called, and a quorum of the Senate was announced present.

The Speaker announced a quorum of the House present.

The Speaker presented Representative Goodman who presented the members of the A Cappella Choir of the

North Texas State Teachers College and its conductor, Dr. Wilfred C. Bain.

The Choir then rendered a choral concert under the direction of Dr. Bain.

At the conclusion of the concert, the Senate repaired to its Chamber.

In the Senate

The President called the Senate to order at 11:00 o'clock a. m.

Message from the House

The Assistant Reading Clerk of the House was announced by the Doorkeeper, and was recognized by the President, to present the following message:

Hall of the House of Representatives,
Austin, Texas,
February 18, 1941.

Hon. Coke R. Stevenson, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bills and resolutions:

S. C. R. No. 17, Inviting Helen Keller to address a joint session of the House and Senate.

H. C. R. No. 11, Providing for re-employment of State employees at the termination of their tour of duty in the military.

H. C. R. No. 40, Granting permission to Paris, Lamar County, Texas, to use discarded guard wire belonging to the State Highway Department.

H. B. No. 3, A bill to be entitled "An Act making a specific appropriation out of the General Revenue Fund of the State of Texas not otherwise appropriated, to pay a judgment obtained by Trinity Portland Cement Company against the State of Texas pursuant to resolution granted by the State of Texas to the said Trinity Portland Cement Company, authorizing it to sue the State of Texas for the recovery of filing fees and franchise taxes paid to the Secretary of the State of Texas, which filing fees and franchise taxes the courts of the State of Texas held to have been illegally collected; and, providing further that the Comptroller of the State of Texas be directed to issue warrant to pay said judgment to the party herein named in payment of

the same in the amount specified herein; and declaring an emergency."

H. B. No. 56, A bill to be entitled "An Act to extend the time for the payment of all notes or obligations executed by purchasers of school land for the unpaid balance of principal due the State thereon until November 1, 1951; amending Article 5312, Revised Civil Statutes, 1925; amending Article 5236, Revised Civil Statutes, 1925; and declaring an emergency."

H. B. No. 69, A bill to be entitled "An Act to amend Section 5, Chapter 136, Acts of the Regular Session of the Thirty-ninth Legislature, providing that anyone may construct on his own property a dam or reservoir to contain not to exceed fifty acre-feet of water for domestic and live stock purposes without securing a permit therefor; and declaring an emergency."

H. B. No. 84, A bill to be entitled "An Act creating the 94th Judicial District Court for Nueces County; defining its jurisdiction; adjusting the business of the 28th District Court of Nueces County and the 117th District Court of Nueces County with the court created hereby; prescribing the duties of the district clerk with respect thereto; and declaring an emergency."

H. B. No. 87, A bill to be entitled "An Act authorizing the qualified voters of any independent school district situated wholly within one county, and containing not less than ninety square miles in area, and also having an assessed property valuation of not less than Thirty-five Million (\$35,000,000.00) Dollars, to determine whether or not any such district shall levy a tax for maintenance and bond purposes, the maximum of which for both of such purposes shall not exceed One Dollar Twenty-five Cents (\$1.25) on the one hundred dollars valuation in any one year; providing that said tax shall be authorized, levied, assessed and collected under provisions of the law applicable to independent school district taxes; validating elections heretofore held in any such district at which a tax for the amount and purposes stated was authorized by the qualified voters voting on the proposition; validating all acts and proceedings of the county board of school trustees of the county in

which any such independent school district is situated increasing the area of such independent school district; validating all acts and proceedings of the board of trustees of any such independent school district in respect to increasing the area thereof; providing that where any such independent school district has been converted into a junior college district, and has been continuously recognized as a junior college district by the State Board of Education, all acts or proceedings of the board of school trustees of the county in which such junior college district is situated, increasing the area of such junior college district so that the boundaries thereof will be the same as the boundaries of such independent school district, are hereby legalized, approved and validated; providing that all acts or proceedings of the board of education of any such junior college district in respect to increasing the area thereof so that the boundaries of the junior college district will be coterminous with the boundaries of such independent school district, which acts or proceedings have been approved by the board of county school trustees, are hereby legalized, approved and validated; providing the provisions hereof shall not apply to any such proceedings, the validity of which have been contested in any pending suit or litigation; providing that if any part of this Act be held unconstitutional, it shall not affect any other part of this Act; enacting provisions incident and relating to the subject and purpose of this Act; and declaring an emergency."

Respectfully submitted,

E. R. LINDLEY,
Chief Clerk, House of Representatives.

Report of Standing Committee

Senator Van Zandt, by unanimous consent, submitted at this time the following report:

Austin, Texas,
February 17, 1941.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Insurance, to whom was referred

S. B. No. 11, A bill to be entitled "An Act providing for the licensing of certain insurance agents, providing for two classes of insurance agents;

defining the two classes of insurance agents; defining 'local recording agents,' defining 'solicitor'; providing the manner in which a local recording agent shall make application to the Board of Insurance Commissioners for a license to operate, etc."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed (having already been printed in advance of its consideration in committee).

VAN ZANDT, Chairman.

Signing of Bill and Resolutions

The President signed in the presence of the Senate, after their captions had been read, the following enrolled bill and resolutions:

H. B. No. 329, A bill to be entitled "An Act to amend an Act of the Forty-fourth Legislature, creating a special road law for Lamb County, Texas, being Chapter 407 of the General and Special Laws passed by the Forty-fourth Legislature, at its First Called Session in 1935, by adding thereto four new Sections, authorizing Lamb County to fund or refund the warrant indebtedness outstanding against its road and bridge fund as of January 21, 1941, by the issuance of refunding bonds, and setting forth the method of operation; validating all acts of the commissioners' court and of the county officials in authorizing, executing and delivering said warrants; providing that this law shall be cumulative of general laws on the subject of roads and bridges and general laws on funding or refunding of bonds not in conflict herewith; enacting provisions incident and relating to the subject and purpose of this Act; repealing all laws in conflict herewith; and declaring an emergency."

H. C. R. No. 31, Providing for loan of certain Highway equipment to City of Rocksprings.

H. C. R. No. 35, A resolution by the House of Representatives, the Senate concurring, that the State Highway Department of Texas be authorized to lend to the School Board of the City of Weatherford, sufficient quantities of discarded wire, said school board to return wire upon request of the State Highway Department; and declaring an emergency."

House Concurrent Resolution 37

On motion of Senator York and by unanimous consent, the regular order of business was suspended to take up for consideration at this time:

H. C. R. No. 37, Providing that the House of Representatives and the Senate join with the American Legion and other patriotic organizations in the exercise on March 2, 1941, at old Washington-on-the-Brazos.

The President laid the resolution before the Senate, and it was adopted.

Report of Standing Committee

Senator Lanning, by unanimous consent submitted at this time the following report:

Committee Room,
Austin, Texas,
February 13, 1941.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Counties and County Boundaries, to whom was referred

H. B. No. 328, A bill to be entitled "An Act authorizing the commissioners' court in certain counties to allow each county commissioner certain expenses in connection with the performing of the duties as road commissioner in addition to the duties as county commissioner; providing for the payment of the same; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

RAMSEY, Chairman.

House Bill 328 on Second Reading

On motion of Senator Lanning and by unanimous consent, Senate Rules 31a and 48 were suspended, and the regular order of business was suspended, to permit consideration of H. B. No. 328 at this time.

The President laid before the Senate on its second reading and passage to third reading:

H. B. No. 328, A bill to be entitled "An Act authorizing the commissioners' court in certain counties to allow each county commissioner certain expenses in connection with the performing of the duties as road com-

missioner in addition to the duties as county commissioner; providing for the payment of the same; and declaring an emergency."

The bill was read second time and was passed to third reading.

House Bill 328 on Third Reading

Senator Lanning moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 328 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—30

Aikin	Martin
Beck	Mauritz
Brownlee	Metcalf
Chadick	Moffett
Cotten	Moore
Fain	Ramsey
Formby	Shivers
Graves	Smith
Hazlewood	Stone
Hill	Sulak
Isbell	Van Zandt
Kelley	Vick
Lanning	Weinert
Lemens	Winfield
Lovelady	York

Absent—Excused

Spears

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—30

Aikin	Martin
Beck	Mauritz
Brownlee	Metcalf
Chadick	Moffett
Cotten	Moore
Fain	Ramsey
Formby	Shivers
Graves	Smith
Hazlewood	Stone
Hill	Sulak
Isbell	Van Zandt
Kelley	Vick
Lanning	Weinert
Lemens	Winfield
Lovelady	York

Absent—Excused

Spears

House Bills on First Reading

The following House bills, received from the House today, were laid before the Senate, read first time and referred to the committees indicated:

H. B. No. 375, to Committee on Civil Jurisprudence.

H. B. No. 23, to Committee on Finance.

H. B. No. 323, to Committee on Labor.

H. B. No. 76, to Committee on State Affairs.

H. B. No. 3, to Committee on Finance.

H. B. No. 56, to Committee on Public Lands and Land Office.

H. B. No. 69, to Committee on Stock and Stock Raising.

H. B. No. 84, to Committee on Civil Jurisprudence.

H. B. No. 87, to Committee on Civil Jurisprudence.

Reference of House Concurrent Resolution 11

H. C. R. No. 11, received from the House today, was read and referred to the Committee on Military Affairs.

House Concurrent Resolution 40

On motion of Senator Aikin and by unanimous consent, the regular order of business was suspended, to take up for consideration at this time the following resolution, received from the House today:

H. C. R. No. 40, Authorizing the State Highway Department to lend the City of Paris, Texas, certain discarded guard wire.

The President laid the resolution before the Senate, and it was adopted.

Senate Bill 70 on Engrossment

The President laid before the Senate as the unfinished special order on its passage to engrossment (the bill having been read second time on Wednesday, February 12, 1941):

S. B. No. 70, A bill to be entitled "An Act to amend Section 8 of H. B. No. 440, Regular Session, Forty-fifth Legislature, Acts of 1937, Chapter 169, providing for the exemption for prescribing, administering, dispensing or selling at retail certain specified medicinal preparations containing small amounts of certain named drugs, etc.; and declaring an emergency."

Question—Shall the bill be passed to engrossment?

Addresses by Dr. T. C. Gardner and Mr. Bob La Prade

In conformance with Senate Resolution 39, adopted on yesterday, Dr. T. C. Gardner of Dallas, and Mr. Bob La Prade of Temple, representatives of the Youth Divisions of the United Texas Drys and of the Women's Christian Temperance Union were admitted to the Senate Chamber and escorted to the President's desk.

Dr. Gardner and Mr. La Prade were presented to the Senate by Senator Lemens, and they each addressed the Senate briefly.

Message from the Governor

A Secretary of the Governor was announced by the Doorkeeper, and was recognized by the President, to present the following message:

Austin, Texas,
February 18, 1941.

To the Senate of the Forty-seventh Legislature:

On January 22nd I sent a message to the Senate which read, in part, as follows:

"I ask the advice, consent and confirmation of the Senate to the following appointments

To be a Member of the Board of Examiners of Land Surveyors:

(Life time appointment)

A. C. Stimson of Houston, Harris County"

I wish to substitute the following to correct the record as to Mr. Stimson's length of term:

I ask the advice, consent and confirmation of the Senate to the following appointment:

To be a Member of the Board of Examiners of Land Surveyors, for a two year term expiring July 29, 1941:

A. C. Stimson of Houston, Harris County.

Respectfully submitted,

W. LEE O'DANIEL,
Governor of Texas.

The message was read and was referred to the Committee on Nominations of the Governor.

Adjournment

On motion of Senator Shivers, the Senate, at 12:00 o'clock, meridian, adjourned until 10:00 o'clock a. m. tomorrow.